

REMARKS

Summary Of The Office Action & Formalities

Status of Claims

Claims 1-12 are all the claims pending in the application. By this Amendment, Applicant is canceling claims 2 and 3, amending claims 1, 4, 8, 9, 10 and 11, and adding new claim 13. No new matter is added.

Additional Fees

Submitted herewith is an Excess Claim Fee Payment Letter with fee and a Petition for Extension of Time with fee.

Claim to Foreign Priority

Applicant thanks the Examiner for acknowledging the claim to foreign priority and for confirming that the certified copy of the priority document was received.

Information Disclosure Statement

Applicant also thanks the Examiner for initialing the references listed on form PTO/SB/08 submitted with the Information Disclosure Statement filed on April 8, 2005.

Claim Rejections - § 112

Claims 1-12 are rejected under 35 U.S.C. § 112, second paragraph, for the reason set forth at page 2 of the Office Action.

Applicant is amending the claims to overcome this rejection.

Art Rejections

Claims 1-12 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kagaku et al. (JP 11-587).

Applicant respectfully traverses.

Claim Rejections - 35 U.S.C. § 102

Claims 1-12 In View Of Kagaku et al. (JP 11-587).

In rejecting claims 1-12 in view of Kagaku et al. (JP 11-587), the grounds of rejection

state:

Kagaku et al. disclose, in figs. 1, 3 and 10, a fluid dispenser comprising: two distinct dispenser units, each comprising a fluid reservoir (C) defining an opening 60, a dispenser member 43 for taking and dispensing the fluid from the reservoir, and a fastener member (73) for fastening the dispenser member (43) on the opening (60) of the reservoir (C); and a common outer shell (11) in which at least the two reservoirs are housed, the shell including receiver means [(10)] for receiving and holding the two dispenser units inside the shell, said dispenser being characterized in that the receiver means form two snap-fastener housings, the holding means forming a peripheral radial flange (74) which extends outwards, and which is for snap-fastening in a respective housing; a blocking means 5a for blocking the dispensing units in receiving means; and a dispensing head 22.

Office Action at pages 2-3.

Kagaku et al. clearly lacks several features recited in the claims. For example, it is clear from the figures of this reference that there is *no fastener member for fastening the dispenser member on the opening reservoir* as required by claim 1. Also, the shell does not form the recited receiving means, as the alleged receiving means in Kagaku et al. is formed by a piece E slidingly engaged with grooves 10, 10a that are formed by the two halves of the shell.

As a further example, regarding claims 2 and 3, even if the part of the reservoir engaged in piece E is considered to be a flange, this flange is certainly not formed by the fastener member.

Regarding claim 4, it is clear from the figures that the second half 5a of the shell does not *block* the dispenser units in the receiving means, but only the piece E inside the grooves 10 and 10a. The dispenser units may be disengaged from E when the shell is closed by pushing on the stem 63.

Regarding claim 8, there is clearly no bottom wall in the device of Kagaku et al.

Regarding claim 9, the piece E is not integral as a single piece with the shell.

Regarding claim 10, the dispenser units are engaged in the piece E via the bottom and the structure would prevent engagement otherwise, thereby not satisfying the structural feature attributed to (and necessarily required by) the functional limitation of this claim.

Regarding claim 11, the structure in Kagaku et al. is clearly contrary to the structure as claimed.

Finally, regarding claim 12, when pushing strongly on the stem, the dispenser unit may disengage the piece E. This is not in the claimed structure.

In view of the many differences noted above, Applicant kindly requests the Examiner to reconsider and withdraw the art rejection. Each of claims 4, 9, and 10 has been amended to be in independent form. Claim 11 has been amended to be in independent form, but without including the language of claim 10.

New Claims

For additional claim coverage merited by the scope of the invention, Applicant is adding new claim 13, which is allowable for reasons similar to those set forth above.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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